

## **MITIGATED NEGATIVE DECLARATION**

**PROJECT TITLE:** Approval and Implementation of term-limited reclamation plans required under California's Surface Mining and Reclamation Act for 10 Bay-Delta Marine Sand Dredging Surface Mining operations as defined by 10 Individual Lease Agreements.

**PROJECT NAME:** Initial Study for the Bay-Delta Marine Sand Dredging Surface Mining and Reclamation Plans

### **NAME OF APPLICANTS:**

Hanson Aggregates Mid-Pacific, Inc.  
c/o Mr. William H. Butler  
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(925) 846-8800

RMC Pacific Materials, Inc  
c/o Dennis Tsuchida  
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(925) 426-8787

Jerico Products, Inc.  
c/o Mr. Christian Lind  
100 East "D" Street  
Petaluma, CA 94952-3109  
(707) 762-7251

Suisun Associates  
Hanson Aggregates Mid-Pacific, Inc. and  
Morris Tug and Barge  
c/o Mr. William H. Butler  
3000 Busch Road  
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**PROPOSED PROJECT:** The project is the approval and implementation of a total of ten term-limited reclamation plans for on-going marine sand dredging leases in the Central San Francisco Bay and the Bay-Delta. The reclamation plan approval is limited to the term of the current SLC leases, which expire in 2008. The applicants for the project are Hanson Aggregates Mid-Pacific, Inc. ("Hanson"), RMC Pacific Materials, Inc. ("RMC"), Jerico Products ("Jerico"), Suisun Associates ("Hanson" and "Morris Tug and Barge"). Since the applicants are currently operating at these sites, or will be operating under valid permits issued by the BCDL, only approval of the reclamation plans themselves is within the scope of this review.

The approval and implementation of reclamation plans would bring these applicants' operations into compliance with the Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations (CCR) Title 14, Chapter 8, Article 1, Section 3500 et seq.; Article 9, Section 3700 et seq.). The SMARA lead agency for the approval of the project will be the State Mining and Geology Board.

**LOCATION:** Stipulated lease areas in Central San Francisco Bay, Carquinez Strait, and Suisun Bay.

**PROJECT LEASES AND LEASE AREA:** The total leased area covers 4,200.4 acres. However, certain near shore and shallow areas within the lease areas are off limits due to permit restrictions, and generally only high velocity current areas that contain suitable commercial-grade sand are dredged. Of the project area, 3,865.3 of the total 4,200.4 acres are state owned property leased to the operators by the SLC. A private area, 3-party lease of 335.1 acres is also included in this project and is located in Suisun Bay.

The seven SLC leases expire in July of 2008. The private leases in Suisun Bay each expire on different dates, beginning in September of 2005.

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**REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:**

☐ NO SIGNIFICANT ENVIRONMENTAL CONCERNS WERE IDENTIFIED DURING THE INITIAL STUDY

☒ MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS TO A LEVEL OF INSIGNIFICANCE

☐ OTHER: \_\_\_\_\_

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the Department of Conservation, Office of Mine Reclamation, under contract to the State Mining and Geology Board, analyzed the project and determined that the project will not have a significant impact on the environment with implementation of the attached mitigation measures. Based on this finding, the State Mining and Geology Board hereby prepares this MITIGATED NEGATIVE DECLARATION. A period of thirty (30) days from the date of filing this negative declaration will be provided to enable public review of the project specifications and this document prior to action on the project by the STATE MINING AND GEOLOGY BOARD. A copy of the project specifications is on file at the State Mining and Geology Board, 801 K Street, 20<sup>th</sup> floor, in Sacramento.

  
PREPARED BY

  
DATE

## **MITIGATION MEASURES FOR THE MARINE SAND DREDGING SURFACE MINING AND RECLAMATION PLANS**

### **Mitigation Measure 1A (Biological Resources)**

The RWQCB Order applicable to the following operations in the Suisun Bay requires that each applicant implement depth and setback limitations to ensure shallow water habitat is avoided in the Suisun Bay.

- Hanson Suisun Bay Middle Ground Shoal
- RMC Suisun Bay Middle Ground Shoal
- Jerico Suisun Bay Middle Ground Shoal

In order to approve the reclamation plan, these setback restrictions in the current Order shall be followed.

- Marine sand dredging is prohibited within 200 feet of any shoreline and within 250 feet of any water less than four feet in depth (MLLW).

To extend the acceptance of Reclamation Plans past the expiration of the current Order (see **Table 1**) the Order must be reissued and the same, or parallel restrictions similar to the current protections, substituted. The operator must secure a valid extension of the Order prior to the expiration of the current Order and present it to the SMGB for acceptance.

### **Mitigation Measure 1B (Biological Resources)**

The USACOE Permit and/or the BCDC permit permits applicable to the following operations in the Central Bay require that each applicant implement depth and setback limitations to ensure shallow water habitat is avoided in the Central Bay. In order to approve the reclamation plan, these setback restrictions shall be followed.

- Hanson Point Knox Shoal; 30-foot MLLW water depths, or greater
- Hanson Alcatraz, Presidio, Point Knox: 200 feet away from any shoreline, or more, and 250 feet from 4-foot MLLW shoals, or greater **or** 100 feet, or more, of Alcatraz Island and 30 foot MLLW, or greater
- Hanson Point Knox South: 30-foot MLLW water depths, or greater
- Hanson Alcatraz South Shoal: 30-foot MLLW water depths, or greater.

To extend the acceptance of Reclamation Plans past the expiration of the current permits (see **Table 1**) the permits must be reissued and the same, or parallel permit restrictions similar to the current protections, substituted. The operator must secure a valid extension of the Permit prior to the expiration of the current Permit and present it to the SMGB for acceptance.

## **Mitigation Measure 2A (Geological Resources)**

Accelerated loss of substrate through mining and lack of replenishment of substrate during the reclamation process would be the main concern in terms of the projects' impacts on the geologic environment. High velocity current areas in the Bay-Delta receive sediment at high rates compared to low velocity current areas. Existing and subsequent USACOE and BCDC permits require the following depth restrictions on the following dredging locations in the Suisun Bay. The same restrictions that will avoid dredging activities in fine-grained substrates will also tend to focus dredging at high velocity sand substrates.

- Operators shall implement the following depth limitations for sand dredging activities in the Middle Ground Shoal area in Suisun Bay.
  - Hanson Suisun Bay Middle Ground Shoal
  - RMC Suisun Bay Middle Ground Shoal
  - Jerico Suisun Bay Middle Ground Shoal

Marine sand dredging is prohibited within 200 feet of any shoreline and within 250 feet of any water less than four feet in depth (MLLW).

To extend the acceptance of Reclamation Plans past the expiration of the current permits (see **Table 1**) the permits must be reissued and the same, or parallel permit restrictions similar to the current protections, substituted. The operator must secure a valid extension of the Permit prior to the expiration of the current Permit and present it to the SMGB for acceptance.

## **Mitigation Measure 2B (Geological Resources)**

Accelerated loss of substrate through mining and lack of replenishment of substrate during the reclamation process would be the main concern in terms of the projects' impacts on the geologic environment. High velocity current areas in the Bay-Delta receive sediment at high rates compared to low velocity current areas. Existing and subsequent USACOE and BCDC permits require the following depth restrictions on the following dredging locations in the Central Bay. The same restrictions that will avoid dredging activities in fine-grained substrates will also tend to focus dredging at high velocity sand substrates.

- Only high velocity current areas in the Bay-Delta shall be dredged. Current and subsequent permits must continue to require depth limitations on the dredging locations. USACOE Permit, or in the BCDC permit current to the following Reclamation Plans in the Central Bay.
  - Hanson Point Knox Shoal; 30-foot MLLW depth.
  - Hanson Alcatraz, Presidio, Point Knox: 200 feet from any shoreline and 250 feet of 4-foot MLLW shoal depths **or** 100 feet of Alcatraz Island and 30 foot MLLW depth.

- Hanson Point Knox South: 30-foot MLLW depth.
- Hanson Alcatraz South Shoal: 30-foot MLLW depth.

To extend the acceptance of Reclamation Plans past the expiration of the current permits (see **Table 1**) the permits must be reissued and the same, or parallel permit restrictions similar to the current protections, substituted. The operator must secure a valid extension of the Permit prior to the expiration of the current Permit and present it to the SMGB for acceptance.

### **Mitigation Measure 2C (Geological Resources)**

Accelerated loss of substrate through mining and lack of replenishment of substrate during the reclamation process would be the main concern in terms of the projects' impacts on the geologic environment. A cap on the volume of sand that may be dredged in accordance with the most restrictive current permits and/or lease shall be observed.

- Leases and permits all have not-to-exceed annual production volumes. No substantial increase in production volumes, defined as a 5% increase of the total in any single lease may occur. The approval of the leases not subject to SLC renewal (and may therefore expire prior to the term-limited Reclamation Plans) will have volume restrictions based on the most limiting permits requirements. Currently these are:
  - Hanson Suisun Bay Middle Ground Shoal: 450,000 cubic yards per year (based on the combined total of the USACOE Permits).
  - RMC Suisun Bay Middle Ground Shoal: 250,000 cubic yards per year (based on both the USACOE and BCDC Permits).
  - Jerico Suisun Bay Middle Ground Shoal: 250,000 cubic yards per year (based on USACOE, BCDC Permits and the Grossi Lease).

To extend the acceptance of Reclamation Plans past the expiration of the current permits (see **Table 1**), the permits must be reissued with volume restrictions within 5% of the current permits. The operator must secure a valid extension of the Permits prior to the expiration of the current Permits and present them to the SMGB for acceptance.

### **Mitigation Measure 2D (Geological Resources)**

Accelerated loss of substrate through mining and lack of replenishment of substrate during the reclamation process would be the main concern in terms of the projects' impacts on the geologic environment. Tracking the substrate elevations using available technical improvements of bathymetric surveying techniques will continue to be incorporated with the guidance of the BCDC, USACOE and other permitting agencies through the lease and permit process.

- Improvement of the precision, accuracy and potential usefulness of the bathymetric data collected using adaptive management of permits and leases will continue.

### **Mitigation Measure 3 (Hydrology and Water Quality)**

The RWQCB, through issuing a general Waste Discharge Requirement permit, has determined that the overflow plume from sand mining generally does not cause waters of the State to exceed the following quality limits downstream of the zone of discharge:

- Dissolved Oxygen: 5.0 mg/l minimum;
- Dissolved Sulfide: 0.1 mg/l maximum; and
- Toxic or other deleterious substances: None are present in concentrations or quantities that could cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentrations.

However, the RWQCB require that self-testing of the plume and ambient waters be conducted to ensure this premise is correct.

- The operators shall observe RWQCB Order #95-177 and its amendments, which require a self-monitoring program be in place to insure continued observation of a 10:1 plume dissipation requirement criteria.

To extend the acceptance of Reclamation Plans past the expiration of the current Orders (see **Table 1**) the Orders must be reissued and the same, or parallel restrictions similar to the current protections, substituted. The operator must secure a valid extension of the Order prior to the expiration of the current Order and present it to the SMGB for acceptance.

### **Mitigation Measure 4 (Recreation)**

Recreational fishing may be impacted by the operation of dredging equipment during certain time or in specific areas.

- BCDC Permits require that all operations consult with DFG to avoid interference with popular fishing areas and recreational boating and fishing activities, and that sand mining on weekends and holidays will not conflict with these activities. This shall apply to all operators. This provision is currently required in all the operations' BCDC permits (except for RMC Suisun Bay Middle Ground Shoal).

To extend the acceptance of Reclamation Plans past the expiration of the current permit (see **Table 1**) the permit must be reissued and the same, or parallel permit restrictions similar to the current protections, substituted. The operator must secure a valid extension of the Permit prior to the expiration of the current Permit and present it to the SMGB for acceptance.

### **Mitigation Measure 6 (Mandatory Findings of Significance)**

The information collected in the **AHFP study** indicates no significant impact, individual or cumulative, from sand mining in the Bay-Delta estuary has been detected. Given the complexity of environmental factors and conditions present, the bio-geographic specificity of many of the available studies present in the literature, and technical limitations, some of the possible impacts resulting from sand dredging operations may

currently be beyond detection.

A number of areas were identified for which the existing available information does not detect any impact at this time, but could eventually be detected as a cumulative impact over a long time period. The **AHFP study**, Section 9.0, identifies additional areas of information, comprising supplemental studies to that available in the existing literature, that should be considered in completing any further analysis of potential environmental impacts of marine sand mining in the Bay-Delta. These additional areas would be considered in an independent environmental analysis prior to consideration of the approval of any of these Reclamation Plans past the proposed projects' term-limits.

- Mitigation will require that all of the Reclamation Plans considered in this project are limited in term to expire on July 1, 2008. Time extension of approval of any of the Reclamation Plans would further evaluate cumulative and long-term impacts, particularly in the area of substrate monitoring and accretion and depletion of the substrate.
- Additional lease areas shall not have new Reclamation Plans approved without an independent environmental analysis.
- Mitigation will require that cumulative volumes of sand dredged will not significantly increase during the approval period for the term limited Reclamation Plans without an independent environmental analysis.